HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1338 of 2001 (SS)

(Old No. 44356 of 1993)

Smt. Manju Badola w/o Sri HarshVardhan Badola, Assistant Teacher, Harish Chand Gupta Adarsh Kanya High School, Rishikesh.

..... Petitioner

Versus

1. State of U.P.
2. Director of Education, Shiksha Anubhag U.P. Allahabad
3. Deputy Director of Education U.P. Allahabad
4. Deputy Director of Education, Garhwal Region, Pauri
5. Deputy Director of Education II, Garhwal Region, Pauri
6. District Inspector of Schools, Dehradun
7. Lekhadhikari in the office of District Inspector of Schools, Dehradun
8. Zila Basic Shiksha Adhikari, Dehradun
9. Lekhadhikari, in the office of Zila Basic Shksha Adhikari, Dehradun

..... Respondents

Sri V.K Bisht, Sr. Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 7.8.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to pay full salary and allowances of the petitioner.

According to the petitioner she is approved and confirmed Assistant Teacher in Harish Chand Gupta Adarsh Kanya Junior High School, Rishikesh, Dehradun. The institution was not brought within the purview of the Payment of Salary Act, 1971, after its up-gradation from Junior High School to High School, due to which salary and other allowances are not being paid to the petitioner. The petitioner is entitled to receive her salary and other emoluments from the respondents in the same manner and at the same rate as she was entitled to draw prior to the up-gradation of the institution as High School. According to her the respondents illegally stopped payment of salary to her.

In view of the above, liberty is given to the petitioner to prefer a representation to the appropriate authority within a month after the receipt of the certified copy of this order, who shall dispose of the same within three months.

Accordingly, writ petition is disposed of. No order as to costs.

Dated: 7.8.2006 **Rajesh Tandon, J.**

*Dhyani